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ATTORNEYS FOR DEFENDANT - Home Depot U.S.A., Inc.

YEOUN SUK LIM CHOI,

Plaintiff,

-vs-

HOME DEPOT U.S.A., INC., JOHN DOES
1-10 (FICTITIOUS NAMES
REPRESENTING UNKNOWN
INDIVIDUALS) AND/OR XYZ CORPS. 1-
10 (FICTITIOUS NAMES REPRESENTING
UNKNOWN CORPORATIONS,,
PARTNERSHIPS AND/OR LIMITED
LIABILITY COMPANIES OR OTHER
TYPES OF LEGAL ENTITIES)

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-6267-22

Civil Action

**NOTICE OF REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1367, 1332, 1441 and 1446, Defendant Home Depot U.S.A. , Inc hereby removes this action from Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6267-22 (“the State Court Action”), the United States District Court for the District of New Jersey. As grounds for removal, Defendant submits the following:

1. On November 22, 2022, Plaintiff filed her Complaint in the Superior Court of New Jersey, Bergen County. (**A copy of the filed Complaint in the State Court Action is attached hereto as Exhibit A and is hereby incorporated for this removal.**)

2. On January 23, 2023, an Answer to the Complaint in the State Court Action was filed on behalf of defendant, Home Depot, U.S.A., Inc. (hereinafter “Home Depot”). (**A copy of the filed Defendant’s Answer in the State Court Action is attached hereto as Exhibit B and is hereby incorporated by reference for this removal.**)

3. This Notice of Removal is being filed pursuant 28 U.S.C. § 1446(b)(3), providing “if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant … of a copy of an amended pleadings motion, order or other paper from which it may be ascertained that the case is one which is or has become removable.” See, e.g. Delalla v. Hanover Ins. No. CIV, 09-2340 RBK/JS, 2009 WL 3379915, at *1 (D.N.J. Oct. 16, 2009).

4. The United States District Court for the District of New Jersey has original jurisdiction over the State Court Action based upon diversity of citizenship under 28 U.S.C. § 1332(a)(1), and accordingly, removal is proper under 28 U.S.C. § 1441(b), as set forth below.

5. There is complete diversity of citizenship in this matter. First, upon information and belief, plaintiff Yeoun Suk Lim Choi is a resident of the State of New Jersey currently and was at the time of the filing of the State Court Action Complaint residing in Fort Lee, New Jersey. Second, defendant Home Depot is a Georgia corporation with a principal place of business in 2455 Paces Ferry Road, Atlanta, GA 30339. For purposes of diversity jurisdiction, Home Depot is, and was at the time of the filing of the Complaint, a citizen of Georgia. Home Depot’s principal place of business and headquarters are in the State of Georgia. Thus, Home Depot is not a citizen of New Jersey.

6. In her Complaint, Plaintiff did not assert an amount in controversy or any specific allegations that her damages exceeded \$75,000.

7. On or about January 3, 2024, this office received Answers to Interrogatories and medical records from the Plaintiff, which revealed that Plaintiff has undergone multiple surgeries following this incident. **(A copy of Plaintiff's Cover letter serving discovery is annexed hereto as Exhibit C and is hereby incorporated by reference for this removal.)** Therefore, this case involves injuries which as alleged by the Plaintiff, will exceed \$75,000, making this action removable pursuant to 28 U.S.C. § 1446(b)(3) and 28 U.S.C. 1332.

8. The United States District Court for the District of New Jersey has jurisdiction over Bergen County, where the State Court Action was filed. Based upon diversity of citizenship, the State Court Action should be removed to the United States District Court for the District of New Jersey as the district court has jurisdiction over the place where the action pending pursuant to 28 U.S.C. §§ 1332 and 1441(b).

9. The Notice of Removal has been timely filed. Simultaneously with the filing of the Notice of Removal, defendant has given written notice to the Clerk of the Superior Court of New Jersey, Law Division, Bergen County and to Plaintiff in the State Court Action.

10. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

11. Should any question arise as to the propriety of the removal of this action, the defendant requests the opportunity to brief any disputed issues and to present oral argument in support of its position.

WHEREFORE, defendant respectfully requests that all persons take notice that the State Court Action, presently pending in the Superior Court of New Jersey, Law Division, Bergen County, is hereby removed to the United States District Court for the District of New Jersey.

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By: /s Alicia Calaf
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Dated: January 30, 2024